





**PART III**

**FOR DBE/ESBE/SBE SUBCONTRACTS ONLY**

The Contractor will utilize the DBE/ESBE/SBE's listed for goal attainment. In the event that a DBE/ESBE/SBE is unable to or unwilling to perform, the Contractor shall notify the Resident Engineer in writing and include documentation to justify the substitution, including a statement from the DBE/ESBE/SBE to be replaced acknowledging the substitution. The Contractor shall make a good faith effort to replace DBE/ESBE/SBE that is unable to perform with another DBE/ESBE/SBE. No substitution of a DBE/ESBE/SBE shall be made without the written consent of the Division of Civil Rights/Affirmative Action.

**TO BE COMPLETED FOR DBE/ESBE Program Sublet Approval Requests FOR FEDERAL PROJECTS**

- 1) Total Project DBE/ESBE Goal \_\_\_\_\_ %
- 2) Subcontractor percentage this sublet =  $\frac{\text{Actual subcontract amount} = \$ \text{_____}}{\text{Total \$ contract bid amount}} \times 100 = \text{_____} \%$
- 3) Previous Project DBE/ESBE participation \_\_\_\_\_ % + Line 2 \_\_\_\_\_ % = Accumulative DBE/ESBE % participation  
this project \_\_\_\_\_ %
- 4) Previous targets DBE/ESBE sub actual \$ \_\_\_\_\_ + \$ \_\_\_\_\_ = Total Current Actual DBE/ESBE \$ \_\_\_\_\_  
Actual subcontract amount

**TO BE COMPLETED FOR SBE PROGRAM SUBLET APPROVAL REQUESTS FOR 100% STATE FUNDED PROJECTS**

- 1) Project targets SBE Category 4 \_\_\_\_\_ % , SBE Category 5 \_\_\_\_\_ %
- 2) Subcontractor % this sublet  $\frac{\text{Actual subcontract amount}}{\text{Total \$ contract bid amount}} = \$ \text{_____} \times 100 = \text{_____} \%$
- 3) Previous SBE Category 4 participation \_\_\_\_\_ % + Line 2 \_\_\_\_\_ % = Accumulative SBE Category 4 \_\_\_\_\_ %  
Previous SBE Category 5 participation \_\_\_\_\_ % + Line 2 \_\_\_\_\_ % = Accumulative SBE Category 5 \_\_\_\_\_ %
- 4) Previous SBE Category 4 sub actual \$ \_\_\_\_\_ + \$ \_\_\_\_\_ = Total Current Actual SBE Category 4 \$ \_\_\_\_\_  
Actual subcontract amount  
Previous SBE Category 5 sub actual \$ \_\_\_\_\_ + \$ \_\_\_\_\_ = Total Current Actual SBE Category 5 \$ \_\_\_\_\_  
Actual subcontract amount

**PART IV**

**POST AWARD MINORITY CERTIFICATION**

**THE CONTRACTOR HEREBY CERTIFIES, IN ACCORDANCE WITH THE DEPARTMENT'S PROVISIONS FOR UTILIZATION OF DBE/ESBE/SBE BUSINESS ENTERPRISES THAT:**

- 1) Said Contractor Notified the Resident Engineer in Writing on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ of the Type of Work Subject to Sublet and the Approximate Value thereof.
- 2) Said Contractor gave DBE/ESBE/SBE Firms at least Equal consideration with Non-minority Firms in Negotiations for any such Subcontract.
- 3) Pending Approval, said Contractor intends to Sublet, the Items on Page 1, with the Actual Amount of \_\_\_\_\_ under an agreement reached with the Subcontractor.

**PART V****ACKNOWLEDGEMENT AND AGREEMENT WITH SUBCONTRACTING SPECIFICATIONS**

The Contractor and the Subcontractor, both, shall certify that the Subcontractor is fully acquainted with the Standard and Supplementary Specifications, as amended, and Special Provisions issued by the Department in accordance with which a contract was awarded for the construction of the project named in Part I and particularly with Division 100 – General Provisions of the said Standard Specifications, which provides (in part):

Consent of the Department to allow work to be subcontracted, as specified in 108.01, does not relieve the Contractor of its responsibility for the Work, nor does it relieve the Surety of its obligations under the bond. The Contractor is responsible for the work of subcontractors. Ensure that the work performed by subcontractors conforms to the Contract. The Department's consent to subcontract any part of the Work shall not be construed as approval of the subcontract or its terms, but only as approval of the Contractor's request to subcontract to its chosen subcontractor. Pursuant to the above, the contractor further certifies that if the Subcontractor enters into a Subcontract with the Contractor of the project named in Part I, for the performance of a part of the Work covered by the said Contract then the Subcontractor shall be bound by all provisions of the said Contract and further agrees that the Subcontractor is barred from making claims against the Department, its agents, officers, or employees.

**PART VI****CERTIFICATION REGARDING DEBARMENT, SUSPENSION, DISQUALIFICATION, INELIGIBILITY, AND VOLUNTARY EXCLUSION**

The Contractor is barred from subcontracting to firms and individuals suspended or debarred by the Department or included in the *State of New Jersey Consolidated Debarment Report* maintained by the Department of the Treasury, Division of Building and Construction, Bureau of Contractor Prequalification. The Contractor and Subcontractor must certify that neither the individual, partnership, corporation, or limited liability corporation applying to do subcontract work nor any of its corporate officers, stockholders, partners, or members are collectively or individually suspended, debarred, proposed for debarment, disqualified, declared ineligible, or voluntarily excluded from doing business by this or any other State or sub-division thereof or listed in the Federal Government's General Services Administration document, *List of Parties Excluded from Federal Procurement and Nonprocurement Programs (GSA List)*.

**PART VII****FOR FEDERALLY FUNDED CONTRACTS ONLY, CERTIFICATION OF INCLUSION OF CONTRACT PROVISIONS**

The Contractor and Subcontractor shall both certify that the Subcontractor has received the applicable required Contract Provisions, Federal Aid Contracts, as stated in PART II, have been made part of the proposed Subcontract, which is to be executed with the Contractor. The provisions in the Notice to Prospective Direct Federal and Federal Aid Contractor and Subcontractors, Equal Employment Opportunity have been received, if included in the Project's Specifications and have been made a part of the proposed Subcontract, which is to be executed with the Contractor.

**PART VIII****CERTIFICATION WITH REGARD TO THE PERFORMANCE OF PREVIOUS CONTRACTS OR SUBCONTRACTS SUBJECT TO THE EQUAL OPPORTUNITY CLAUSE AND THE FILING OF REQUIRED REPORTS**

The Contractor and the Subcontractor shall both certify that the Subcontractor  has  has not (check one) participated in a previous Contract or Subcontract to the Equal Opportunity clause, as required by Executive Orders 10925, 11114, or 11246, and that it  has  has not (check one) filed with the Joint Reporting Committee, the Director of the Office of Federal Government Contracting or administering agency, or the former President's Committee on Equal Opportunity, all reports due under the applicable filing requirements.

**PART IX****FOR FEDERALLY FUNDED CONTRACTS AND SUBCONTRACTS EXCEEDING \$100,000 ONLY, CERTIFICATION REGARDING THE USE OF CONTRACT FUNDS FOR LOBBYING**

The Contractor and Subcontractor shall both certify that the Subcontractor is in compliance as referenced in:

- 23 CFR 635.112(g)
- 49 CFR 20

The undersigned hereby furnishes and certifies that all of the information in PARTS I – IX for the Subcontract represented by the attached Form DC-18 is true and correct:

Sworn and subscribed to before me on \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ .

**Notary Public**

(Not an Officer of the Firm)

**Contractor**

By \_\_\_\_\_

**Signature of an Officer**

**Print Name of an Officer**

**AFFIX CORPORATE SEAL**

Sworn and subscribed to before me on \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ .

**Notary Public**

(Not an Officer of the Firm)

**Subcontractor**

By \_\_\_\_\_

**Signature of an Officer**

**Print Name of an Officer**

**AFFIX CORPORATE SEAL**

**CHECKLIST**

**PART I**

- **Contractor Name, Address, Vendor ID, and Project Description**
- **Subcontractor Name, Address, and Vendor ID**
- **Item Numbers with Descriptions, Unit Price, and Total**

**PART II**

- **Estimated Start and Completion Dates**

**PART III**

- **Complete ONLY IF THE SUBMITTED FIRM IS A DBE/ESBE/SBE, etc. AND is being used to satisfy the applicable participation percentage of the project.**
- **If Federally Funded, complete top portion.**
- **Line 1 is goal established in Contract and Bond.**
- **Line 2 is actual amount divided by the total contract bid amount as a percentage.**
- **Line 3 is an accumulation of prior line 2 percentages,**
- **Line 4 is prior DBE/ESBE dollars added to this actual amount and accumulated.**
- **If 100% State Funded, then complete bottom portion with the appropriate SBE dollars and sum as above.**

**PART IV**

- **Complete ONLY FOR SUBCONTRACTOR not included on the Original Form A submitted by the Contractor prior to Award.**
- **Date Resident Engineer notification.**
- **Actual amount of Subcontract.**

**PART VIII**

- **For Federally Funded contracts, check Equal Opportunity Clause participation.**

**CONTRACTOR, HAVE YOU?**

- **Attached proof of your Subcontractor's valid business registration issued by the Division of Revenue in the NJ Department of Treasury, pursuant to P.L. 2001, c134 (N.J.S. 52:32-44).**
- **Submitted the Original and Two Copies.**
- **Attached proof of your Subcontractor's permits/licensing/certifications registry required by law. Current effected work types are electrical, blasting, asbestos abatement, landscaping, and lead abatement.**
- **Attached proof of Pesticide Applicator Business and designated Licensed Commercial Pesticide Applicator is required for Contractor performing any combinations of Landscape work, per NJDEP Pesticide Control Program N.J.C.A 7:30-1.13.**
- **Attached proof of Subcontractor's current Public Work's Contractor Registration issued by the NJ Department of Labor, Division of Labor & Wage Compliance, pursuant to P.L. 2003, c. 91 (N.J.S. 34:11-56.48**
- **And your Subcontractor completed the signatory page w/ notarization and affixed corporate seals.**